

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas department of Education  
DIVISION Information and Technology  
DIVISION DIRECTOR James Boardman  
CONTACT PERSON James Boardman  
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INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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- 1. What is the short title of this rule? **Rules Governing Grants for Distance Learning**
- 2. What is the subject of the proposed rule? **Establishing grant standards for providing funds to educational cooperatives for acquiring equipment and telecommunications services necessary for each school district to have the availability of distance learning.**
- 3. Is this rule required to comply with federal statute or regulations? Yes \_\_\_\_\_ No X \_\_\_\_\_  
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?  
Yes \_\_\_\_\_ No X \_\_\_\_\_  
If yes, what is the effective date of the emergency rule?  
  
When does the emergency rule expire?  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new rule? Yes ☒ No ☐ If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes ☐ No ☒ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☐ No ☒ If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation. **Arkansas Code Ann. § 6-11-105 and Act 34 of 2003 2<sup>nd</sup> Extraordinary Session of the 84<sup>th</sup> General Assembly.**
7. What is the purpose of this proposed rule? Why is it necessary?  
**To set reasonable guidelines to make distance learning available to every school district in the state and to establish grant standards for providing funds to educational cooperatives for acquiring equipment and telecommunications services necessary for each school district to have the availability of distance learning. The rule is necessary in order to set the grant and technology standards and establish the procedures for distribution of the grant funds.**
8. Will a public hearing be held on this proposed rule? Yes ☒ No ☐  
If yes, please complete the following:  
  
Date: **May 12, 2004**  
Time: **9:00-10:00**  
Place: **Arkansas Department of Education**
9. When does the public comment period expire for permanent promulgation? (Must provide a date.) **May 13, 2004**
10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
**July 1, 2004**
11. Do you expect this rule to be controversial? Yes ☐ No ☒  
If yes, please explain.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

**Arkansas Association of Educational Administrators (Unknown)**

## SUMMARY

**To set reasonable guidelines to make distance learning available to every school district in the state and to establish grant standards for providing funds to educational cooperatives for acquiring equipment and telecommunications services necessary for each school district to have the availability of distance learning.**

**To set the grant and technology standards and establish the procedures for distribution of the grant funds.**

## FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education  
DIVISION Information and Technology  
PERSON COMPLETING THIS STATEMENT James Boardman  
TELEPHONE NO. 371-5014 FAX NO. 371-5010 EMAIL jboardman@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE **Rules Governing Grants for Distance Learning.**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?      Yes X      No \_\_\_\_\_
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. **The impact is very difficult to assess because the schools are not required to participate in the grants and if they do the cost to the districts will vary depending on the communications provider and the number of courses the district chooses to offer through distance learning. Also, there can be a savings in salaries to the school which may offset the expenses involved.**
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

### Current Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

### Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

### Current Fiscal Year

\$ \_\_\_\_\_

### Next Fiscal Year

\$ \_\_\_\_\_

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

### Current Fiscal Year

\$ \_\_\_\_\_

### Next Fiscal Year

\$ \_\_\_\_\_

DEPARTMENT OF EDUCATION  
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION  
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: **Rules Governing Grants for Distance Learning.**

Summary Description of Regulatory Proposal: **To set reasonable guidelines to make distance learning available to every school district in the state and to establish grant standards for providing funds to educational cooperatives for acquiring equipment and telecommunications services necessary for each school district to have the availability of distance learning. The rule is necessary in order to set the grant and technology standards and establish the procedures for distribution of the grant funds.**

Cite Statutory Authority for this Regulatory Proposal: **Ark. Code Ann. § 6-11-105 and Act 34 of 2003 2<sup>nd</sup> Extraordinary Session of the 84<sup>th</sup> General Assembly.**

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
  - A. Resources Required - Personnel, equipment, office space. None
  - B. Time Required for Implementation. No Change from present situation
  - C. Procedural Changes. Increased oversight and coordination of distance learning activities.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
  - A. Resources Required - Personnel, equipment, office space.  
Different use of classroom or establishment of distance learning room.
  - B. Time Required for Implementation.  
Most of the efforts will take place during the 2004-2005 school year
  - C. Procedural Changes. Coordination of school calendars and schedules with distance learning providers if school is using distance learning
  - D. Other.
- III. Additional Comments. **This rule provides funding for education cooperatives and school districts to upgrade existing video equipment or add interactive video capacity to their district. Districts are not required to offer distance learning activities or participate in the grant opportunities**

Prepared by: (Name) James Boardman  
(Title) Assistant Director for Information and Technology  
(Date) April 9, 2004

**ARKANSAS DEPARTMENT OF EDUCATION  
PROPOSED RULES GOVERNING GRANTS FOR DISTANCE LEARNING  
Proposed for Public Comment April 12, 2004**

**1.00 REGULATORY AUTHORITY**

1.01 These rules shall be known as Arkansas Department of Education Rules Governing Grants for Distance Learning.

1.02 These rules are enacted pursuant to the State Board of Education's authority under Arkansas Code § 6-11-105 and Act 34 of 2003 2<sup>nd</sup> Extraordinary Session of the 84<sup>th</sup> General Assembly.

**2.00 PURPOSE**

2.01 It is the purpose of these rules to set reasonable guidelines to make distance learning available to every school district in the state and to establish grant standards for providing funds to educational cooperatives for acquiring equipment and telecommunications services necessary for each school district to have the availability of distance learning. These rules are specifically for the purpose of establishing grant standards to implement ACT 34 and distribute funds that become available through ACT 96 of the 84<sup>th</sup> General Assembly Second Extraordinary Session of 2003.

**3.00 DEFINITIONS**

For the purpose of these rules and regulations:

3.01 "Distance Learning Consortiums" is a group of school districts or education cooperatives submitting a grant implementation plan to obtain funds available through Act 34 and 96 of the Second Extraordinary Session of 2003.

3.02 "Education Cooperative" is one of the fifteen legally established Education Service Cooperatives created pursuant to Arkansas Code 6-13-1002.

3.03 "School District" is any school district or open enrollment charter school eligible to receive foundation funding under Act 59 of the 84<sup>th</sup> General Assembly Second Extraordinary Session.

**4.00 GRANT FOCUS AREAS**

In order to assist school districts in receiving advanced high school courses, advanced placement courses, enriched course content, or other academic courses not otherwise available in the school district, there is hereby established grant standards for education cooperatives to assist school districts in obtaining and updating distance learning capabilities. The grants shall have the following focus areas:

4.01 Acquiring equipment and software necessary to implement distance learning;

4.02 Upgrading existing equipment and software for more efficient operation of distance learning;

4.03 Providing adequate connectivity for distance learning;

4.04 Providing for telecommunication services for distance learning

4.05 Providing technical support for distance learning;

4.06 Providing professional development and sharing of information on resources available for the utilization of distance learning.

## 5.00 GRANT ELIGIBILITY

Grant funds will only be distributed to education cooperatives that submit plans in which the school districts participating and/or the distance learning consortium:

5.01 Address one or more of the established focus areas;

5.02 Have technical protocols in alignment with standards established by the office of the Executive Chief Information Officer;

5.03 Coordinate with the department to seek the Federal Communication Commissions E-Rate discounts;

5.04 Collaborate to share course content.

## 6.00 DEPARTMENT OVERSIGHT

6.01 The Arkansas Department of Education shall oversee the efficient operation and use of the system pursuant to law. In order to comply with the department's oversight responsibilities, the department shall require submission and approval of the implementation plans submitted by the education cooperatives prior to distribution of funds. The Information and Technology Section of the Department shall design the implementation plan format and approve the plans.

## 7.00 IMPLEMENTATION PLANS

7.01 The implementation plan shall include the amount of funds requested by each priority herein listed and documentation supporting the purpose, focus areas, and eligibility requirements contained in these rules. The Superintendent and /or the Education Cooperative director of each participating school district shall approve the plan submitted to the department. The plan shall be consistent with Arkansas Code and existing

Arkansas Department of Education rules regarding distance learning. Plans will be reviewed for approval as submitted. In order to be considered for ACT 96 funding, implementation plans must be received by the Arkansas Department of Education by October 1, 2004.

## 8.00 DISTRIBUTION OF FUNDS

The department will budget and distribute funds appropriated in ACT 96 in the following priority order:

- 8.01 Priority one is to provide distance learning technical support and organizational assistance to school districts and share information on resources available for distance learning statewide. To meet this priority each of the fifteen Education Service Cooperatives will receive \$75,000 to hire and support 15 distance learning technical assistance staff and \$25,000 to support the current technology coordinator positions. Additionally, a total of \$100,000 will be made available to provide a full time technical support person to the education cooperative's technical assistance staff;
- 8.02 Priority two is to provide professional development and training for participating school districts in the utilization of distance learning. Each of the 15 Education Service Cooperatives will receive \$10,000;
- 8.03 Priority three is for \$600,000 to upgrade and maintain existing equipment and software in districts and education cooperatives currently providing video conferencing capacity;
- 8.04 Priority four is for \$7,650,000 to acquire equipment and software necessary to implement distance learning in districts not having interactive video capacity and to add equipment and software to Education Service Cooperatives for distance learning content delivery;
- 8.05 Priority five is to distribute any funds not requested in priorities one through four for connectivity, backbone capacity, and telecommunication services for distance learning.

## 9.0 EFFECT ON TEACHERS

- 9.01 A teacher that is under contract in a school district in the respective fields of study that is being offered by distance learning shall not be terminated by the school district because of the availability of distance learning courses.